



## INTERIOR BOARD OF INDIAN APPEALS

Three Affiliated Tribes of the Fort Berthold Reservation  
v. Deputy to the Assistant Secretary - Indian Affairs (Indian Education Programs)

18 IBIA 295 (05/22/1990)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

THREE AFFILIATED TRIBES OF THE	:	Order Docketing and Dismissing Appeal
FORT BERTHOLD RESERVATION,	:	and Referring Matter to the
Appellant	:	Assistant Secretary - Indian Affairs
	:	
v.	:	
	:	
DEPUTY TO THE ASSISTANT SECRETARY-	:	Docket No. IBIA 90-85-A
INDIAN AFFAIRS/DIRECTOR (INDIAN	:	
EDUCATION PROGRAMS) ,	:	
Appellee	:	May 22, 1990

On May 21, 1990, the Board of Indian Appeals (Board) received a notice of appeal from the Three Affiliated Tribes of the Fort Berthold Reservation (Tribe), through its Tribal Chairman, Edward Lone Fight. The Tribe seeks review of an April 26, 1990, letter from the Deputy to the Assistant Secretary - Indian Affairs/Director (Indian Education Programs) concerning certain issues related to the tribe's contracting of the Bureau of Indian Affairs' (BIA's) agency education office.

Procedural regulations governing appeals from decisions and actions of BIA officials are set forth in 25 CFR Part 2 and 43 CFR Part 4, Subpart D. 25 CFR 2.4 provides in pertinent part:

The following officials may decide appeals:

\* \* \* \* \*

(c) The Assistant Secretary - Indian Affairs pursuant to the provisions of § 2.20 of this part.

\* \* \* \* \*

(e) The Interior Board of Indian Appeals \* \* \*, if the appeal is from a decision made by an Area Director or a Deputy to the Assistant Secretary - Indian Affairs other than the Deputy to the Assistant Secretary - Indian Affairs/Director (Indian Education Programs).

Section 2.20(g) provides procedures for the consideration of appeals from actions and decisions of the Deputy to the Assistant Secretary - Indian Affairs/Director (Indian Education Programs) by the Assistant Secretary - Indian Affairs.

Accordingly, the Board lacks jurisdiction to consider this appeal because such jurisdiction has been assigned to the Assistant Secretary - Indian Affairs.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 25 CFR 2.4(e) and 43 CFR 4.1, this appeal from the April 26, 1990, action of the Deputy to the Assistant Secretary - Indian Affairs/Director (Indian Education Programs) is dismissed for lack of jurisdiction and this matter is referred to the Assistant Secretary - Indian Affairs.

//original signed

Kathryn A. Lynn  
Chief Administrative Judge

//original signed

Anita Vogt  
Administrative Judge